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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Michael Arikat, et al.,

NO. C 05-03302 JW

Plaintiffs,

**ORDER OF DISMISSAL**

v.

Chase Visa, et al.,

Defendants.

On January 9, 2006, the Court conducted a case management conference. There were no appearances from any of the parties.

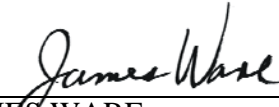
Plaintiffs filed this lawsuit on August 12, 2005. Federal Rule of Civil Procedure 4(m) requires that the summons and complaint be served upon the Defendants within 120 days after the filing of the Complaint. Accordingly, Plaintiffs should have served Defendants by December 10, 2005. To date, no certificates of service have been filed with respect of any of the Defendants.

Rule 4(m) gives this Court the authority to either dismiss the action without prejudice or direct that service be effective within a specified time provided that the Plaintiffs show good cause for the failure. Fed. R. Civ. P. 4(m). In this case, thirty days have passed since the deadline for

1 service of process of the summons and complaint. Still, there is no proof of service.

2       Plaintiffs have received timely notice of the case management conference date yet Plaintiffs  
3 failed to appear for the January 9, 2006's case management conference. In addition, Plaintiffs have  
4 failed to file any statement with the Court to show good cause why Defendants have not been  
5 served.       Accordingly, the Court DISMISSES this case without prejudice. The Clerk shall  
6 close this file.

7  
8 Dated: January 10, 2006

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Stanley G. Hilton [FROG727@AOL.COM](mailto:FROG727@AOL.COM)

4 **Dated: January 10, 2006**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers

**Melissa Peralta**

**Courtroom Deputy**